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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 46320  
: :  
Marcy HOWERTER, et al. : Confirmation Number: 2446  
: :  
Application No.: 10/734,556 : Group Art Unit: 2192  
: :  
Filed: December 12, 2003 : Examiner: J. Rutten  
: :  
For: REGISTRY DRIVEN REAL-TIME CONFIGURATION OF RESOURCE  
MANAGEMENT OBJECTS FOR DEPLOYMENT IN AN INSTANCE OF AN  
INTEGRATED SOLUTIONS CONSOLE

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 12, 2007, wherein Appellants appeal from the Examiner's rejection of claims 1-18.

**I. REAL PARTY IN INTEREST**

This application is assigned to IBM Corporation by assignment recorded on December 12, 2003, at Reel 014798, Frame 0738.

**II. RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals and interferences.

### **III. STATUS OF CLAIMS**

Claims 1-18 are pending and two-times rejected in this Application. It is from the multiple rejections of claims 1-18 that this Appeal is taken.

### **IV. STATUS OF AMENDMENTS**

The claims have not been amended subsequent to the imposition of the Second and Final Office Action dated June 12, 2007 (hereinafter the Second Office Action).

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Referring to Fig. 2 and also to independent claim 1, a method for collaboratively configuring resource objects for deployment in instances of an integrated solutions console is disclosed. A new resource management object 250 is programmed to manage a corresponding resource in an enterprise domain (lines 3-4 of paragraph [0024] of Appellants' disclosure). A registry 220 of existing resource management objects is consulted to determine a proper placement for the new resource management object 250 in a maximal hierarchy 230 of the existing resource management objects (lines 6-11 of paragraph [0024]). The new resource management object 250 is configured for insertion into the maximal hierarchy 230 based upon the determined proper placement (lines 1-14 of paragraph [0025]).

Referring to Fig. 1 and also to independent claim 4, a system for integrating and arranging resource management objects in an integrated solutions console is disclosed. The system includes an instance 110 of an integrated solutions console (lines 4-5 of paragraph [0019]), a registry 140 (line 10 of paragraph [0022]), and an interface (lines 7-10 of paragraph [0019]). The registry 140 is configured to store a real-time maximal hierarchical representation 160 of a hierarchy of resource management objects 190 registered for accessibility through the

1 instance 110 of the integrated solutions console (lines 1-11 of paragraph [0023]). The interface  
2 to the registry 140 is programmed to render the hierarchical representation 160 (lines 4-5 of  
3 paragraph [0026]) and to register 150 a new resource management object 190 (lines 10-11 of  
4 paragraph [0027]) for accessibility through the instance 110 of the integrated solutions console  
5 from a position in a subset of the hierarchy 160 selected through the interface (lines 7-11 of  
6 paragraph [0021]).

7 Referring to Fig. 3 and also to independent claims 11 and 15, a method for managing  
8 access to resource management objects disposed in a hierarchical subset of resource management  
9 objects through an instance of an integrated solutions console is disclosed. In block 350, a new  
10 resource management object to be added to the hierarchical subset is identified (lines 1-3 of  
11 paragraph [0027]). In block 330, a real-time representation of a maximal expansion of the  
12 hierarchical subset is retrieved from a registry (lines 4-5 of paragraph [0026]). A position within  
13 the maximal expansion of the hierarchical subset is selected through the real-time representation  
14 (lines 7-11 of paragraph [0025]). In block 390, the new resource management object is added to  
15 the maximal expansion of the hierarchical subset at the selected position and the real-time  
16 representation in the registry is modified to reflect the new resource management object (lines 6-  
17 12 of paragraph [0027]).

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-3, 11, 14-15, and 18 were rejected under 35 U.S.C. § 102 for anticipation based upon Komine et al., U.S. Patent No. 6,760,733 (hereinafter Komine);
2. Claims 4 and 7-8 were rejected under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen et al., U.S. Patent No. 6,072,492;

3. Claim 5 was rejected under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Adams, "A New Approach to Flexible, Adaptable Development Tools";
4. Claim 6 was rejected under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Taghadoss, U.S. Patent No. 6,052,722;
5. Claim 9 was rejected under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Clark et al., U.S. Patent No. 6,918,088 (hereinafter Clark);
6. Claims 10, 12, and 16 were rejected under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Gudmundson et al., U.S. Patent No. 6,052,722 (hereinafter Gudmundson); and
7. Claims 13 and 17 were rejected under 35 U.S.C. § 103 for obviousness based upon Komine in view of Nahaboo et al., U.S. Patent No. 5,974,253 (hereinafter Nahaboo).

1                   **VII. ARGUMENT**

2                   **THE REJECTION OF CLAIMS 1-3, 11, 14-15, AND 18 UNDER 35 U.S.C. § 102 FOR**

3                   **ANTICIPATION BASED UPON KOMINE**

4                  For convenience of the Honorable Board in addressing the rejections, and claim 3 stands  
5                  or falls together with independent claim 1; claim 14-15 and 18 stand or fall together with  
6                  independent claim 11; and claim 2 stands or falls alone.

7

8                   Claim 1

9                  On pages 2 and 3 of the Request for Reconsideration filed March 28, 2007 (hereinafter  
10                 the Response), Appellants presented the following arguments. Independent claim 1, in part,  
11                 recites:

12                 A method for collaboratively configuring resource objects for deployment  
13                 in instances of an integrated solutions console.

14

15                 On page 2 of the First Office Action, with regard to this particular limitation, the Examiner stated  
16                 "process" and, for support, cited column 7, lines 4-5 of Komine, which is reproduced below:

17                 Referring next to FIG. 7, a process to create and delete resource management objects will be  
18                 described below.

19

20                 Although this passage refers to resource management objects (i.e., presumably corresponding to  
21                 the claimed "resource objects"), the Examiner has failed to indicate the features corresponding to  
22                 the claimed "instances of an integrated solutions console."

23

24                 In the paragraph spanning pages 2 and 3 of the Second Office Action, the Examiner  
25                 responded to these arguments as follows:

1 At the top of page 3, filed 3/27/07, Applicants essentially argue that the cited portion of  
2 Komine, does not indicate an "integrated solutions console." Note that the recitation of an  
3 "integrated solutions console" appears in the preamble of claim 1, and seems to provide an  
4 intended use which has not been given patentable weight. A preamble is generally not accorded  
5 any patentable weight where it merely recites the purpose of a process or the intended use of a  
6 structure, and where the body of the claim does not depend on the preamble for completeness but,  
7 instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535  
8 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152,88 USPQ 478, 481  
9 (CCPA 1951). However, a further recitation of an "integrated solutions console" appears in the  
10 body of claim 2 where it has been given patentable weight. For further clarification, reasonable  
11 broad interpretation of such an "integrated solutions console" appears implicitly throughout  
12 Komine, and can be interpreted as cited in the rejection of claim 4 and further provided through  
13 column 4 lines 49-53 in view of Fig. 1 elements 11 and 100. Therefore, Applicants' arguments are  
14 not persuasive.  
15

16 At the outset, Appellants note that the Examiner's "purpose of a process" argument is not  
17 well reasoned. As noted in M.P.E.P. § 2111.02:

18 During examination, statements in the preamble reciting the purpose or intended use of the  
19 claimed invention must be evaluated to determine whether the recited purpose or intended use  
20 results in a structural difference (or, in the case of process claims, manipulative difference)  
21 between the claimed invention and the prior art. If so, the recitation serves to limit the claim. See,  
22 e.g., *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963) (The claims were directed  
23 to a core member for hair curlers and a process of making a core member for hair curlers. Court  
24 held that the intended use of hair curling was of no significance to the structure and process of  
25 making.); *In re Sinex*, 309 F.2d 488, 492, 135 USPQ 302, 305 (CCPA 1962) (statement of  
26 intended use in an apparatus claim did not distinguish over the prior art apparatus). If a prior art  
27 structure is capable of performing the intended use as recited in the preamble, then it meets the  
28 claim. See, e.g., *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997)  
29 (anticipation rejection affirmed based on Board's factual finding that the reference dispenser (a  
30 spout disclosed as useful for purposes such as dispensing oil from an oil can) would be capable of  
31 dispensing popcorn in the manner set forth in appellant's claim 1 (a dispensing top for dispensing  
32 popcorn in a specified manner)) and cases cited therein.  
33

34 The Examiner, however, has not set forth any factual findings as to whether or not the recited  
35 purpose (i.e., "collaboratively configuring resources for deployment in instances of an integrated  
36 solutions console") does or does not result in a manipulative difference. As can be readily  
37 envisaged, configuring resource objects for deployment in instances of an integrated solutions  
38 console defines how the resource objects are configured, and thus, results in a manipulative  
39 difference.  
40  
41

1       Despite the Examiner's initial reluctance to give patentable weight to the limitation at  
2 issue, the Examiner did finally fly upon column 4, lines 49-53 and features 11 and 110 in Fig. 1  
3 of Komine to identically disclose the claimed "integrated solutions console." Appellants,  
4 however, disagree with the Examiner's conclusion. Claims are to be given their broadest  
5 reasonable claim construction consistent with Appellants' specification. The Examiner, however,  
6 has not set forth a claim construction and explain why such a claim construction is both  
7 reasonable and consistent with Appellants' specification.

8

9       As noted in paragraph [0004] of Appellants' specification, the purpose of the integrated  
10 solutions console is to provide "a view of the enterprise ... in reference to the performance of  
11 individually monitored resources, but also in respect to the administration of security, the  
12 authorization of users, the management of service level agreements and the like." Furthermore,  
13 as discussed in paragraph [0005], the "console modules disposed within the integrated solutions  
14 console can be charged with the management or monitoring of one or more corresponding  
15 resources."

16

17

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18       On page 3 of the Response, Appellants further argued the following. Claim 1, in part,  
19 further recites:

20               programming a new resource management object to manage a  
21 corresponding resource in an enterprise domain.  
22

1 On page 2 of the First Office Action, with regard to this particular limitation, the Examiner stated  
2 "'RM7' is to be newly created" and, for support, cited column 7, lines 5-7 of Komine, which for  
3 ease of reference is reproduced below:

4 FIG. 7 shows such an example situation where an RM 57 having a relative distinguished name  
5 "RM7" is to be newly created, and at the same time, the existing RM 54 is to be deleted.  
6

7 Although this passage refers to a new resource management objects (i.e., RM57), the Examiner  
8 has failed to indicate the features corresponding to the claimed "corresponding resources in an  
9 enterprise domain." Appellants presume that the resource management object manages a  
10 resource. However, the Examiner has failed to establish that the resource is in an enterprise  
11 domain, as claimed.

12

13 In the first full paragraph on page 3 of the Second Office Action, the Examiner responded  
14 to these arguments as follows:

15 At the bottom of page 3, filed 3/27/07, Applicants essentially argue that the cited portion  
16 of Komine does not show an enterprise domain. However, reasonable broad interpretation of the  
17 claim limitations permits Komine to read on the claim. The originally filed specification does not  
18 appear to provide a special definition for the term "enterprise." As such, the system depicted in  
19 Fig. 21 is interpreted as providing a reading on the term "enterprise" since it consists of multiple  
20 networks of computers. Therefore, Applicants' arguments are not persuasive.  
21

22 Again, the Examiner fails to set forth a proper claim construction (i.e., regarding the term  
23 "enterprise domain") and explain why such a claim construction is both reasonable and  
24 consistent with Appellants' specification.

25

26 The term "enterprise domain" can be interpreted as a domain (i.e., a group) of enterprise  
27 applications. One definition of enterprise software<sup>1</sup> includes "software which provides business  
28 logic support functionality for an organization, typically in commercial organizations, which

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<sup>1</sup> [http://en.wikipedia.org/wiki/Enterprise\\_software](http://en.wikipedia.org/wiki/Enterprise_software).

1 aims to improve the organization's productivity and efficiency." Referring to Fig. 21 of Komine,  
2 Appellants are unable to discover any teachings that would lead one having ordinary skill in the  
3 art to recognize that Kormine identically discloses the claimed "enterprise domain."

4

5 Notwithstanding the Examiner's failure to set forth a claim construction for the term  
6 "enterprise domain," the Examiner's analysis still fails to identify a teaching within Komine that  
7 specifically associates a "new resource management object" with a "corresponding resource."

8

9

---

10 On page 4 of the Response, Appellants further argued the following. Claim 1, in part,  
11 further recites:

12 consulting a registry of existing resource management objects to  
13 determine a proper placement for said new resource management object in a  
14 maximal hierarchy of said existing resource management objects.

15

16 On pages 2 and 3 of the First Office Action, with regard to this particular limitation, the  
17 Examiner stated "check the current RM entries" and "hierarchical associations." For support, the  
18 Examiner cited column 7, lines 18-19 and column 5, lines 62-67 of Komine, which are  
19 reproduced below:

20 The tree manager 120 is designed to check the current RM entries as follows. (column 7, lines 5-  
21 7)

22 As mentioned earlier, a resource management information base (RMIB) is constructed in the  
23 database 40 to define tree structure data representing containment relationships (i.e., hierarchical  
24 associations between parent objects and child objects) among RMs. (column 5, lines 62-67)

25  
26 Although this passage refers to hierarchical associations among resource management objects,  
27 Appellants are unable to location a teaching that the resource management information base  
28 (RMIB) is consulted to determine a placement of a new resource management object.

1  
2        In the second full paragraph on page 3 of the Second Office Action, the Examiner  
3 responded to these arguments as follows:

4              At the top of page 4, filed 3/27/07, Applicants essentially argue that the cited portion of  
5 Komine does not teach consulting a registry for a placement of a new resource management  
6 object. However, as described in column 5 lines 62-67, the RMIB defines tree structure data and is  
7 interpreted as a base registry. This data must be consulted to form table 121 which is further  
8 interpreted as the RMIB (see column 6 lines 2-3). Without consulting RMIB, the tree manager  
9 would be unable to create a new object. See column 7 lines 4-35. As such, Applicants' arguments  
10 are not persuasive.  
11

12        The Examiner appears to be addressing limitations not claimed and ignoring claimed limitations.  
13        As claimed, the registry is consulted to determine a proper placement of the new resource  
14 management object. In contrast, the Examiner is asserting that the RMIB is consulted "to create  
15 a new object." Placement of an object and creation of an object are not identical.

16  
17        Although not presented in the Response, Appellants also note that the Examiner has  
18 failed to set forth a claim construction of "maximal hierarchy" and establish that Komine teaches  
19 the limitations associated with this term. One definition of "maximal hierarchy" is a hierarchy  
20 that cannot be extended upwards or downwards by including another entity. The Examiner's  
21 analysis, however, is silent as to this limitation and its identical disclosure within Komine.

22  
23  
24        On pages 4 and 5 of the Response, Appellants further argued the following. Claim 1, in  
25 part, finally recites:  
26              configuring said new resource management object for insertion into said  
27 maximal hierarchy based upon said determined proper placement.  
28

1 On page 3 of the First Office Action, with regard to this particular limitation, the Examiner stated  
2 "new record ... is added to the RMIB" and, for support, cited column 7, lines 32-35, which is  
3 reproduced below:

4 Note that the record of the RM 54 with a relative distinguished name "RM4" is removed from the  
5 RMIB, while a new record with a relative distinguished name "RM7" is added to the RMIB.

6  
7 Nowhere does this cited passage teach that the new resource management object is configured  
8 for insertion into a maximal hierarchy based upon a determined proper placement. Appellants  
9 are unable to find any teaching that the RM7 is "configured," as claimed. Moreover, Appellants  
10 are unable to find any teaching that the RM7 is configured "based upon said determined proper  
11 placement," as claimed.

12

13 In the paragraph spanning pages 3 and 4 of the Second Office Action, the Examiner  
14 responded to these arguments as follows:

15 At the bottom of page 4, filed 3/27/07, Applicants essentially argue that the cited portion  
16 of Komine does not teach configuration based upon a determined proper placement. However,  
17 Komine teaches determining proper placement in column 7 lines 4-35. Based upon the determined  
18 placement, the object is "configured" for insertion. Such elements requiring configuration based  
19 upon the placement determination include those disclosed in column 6 lines 4-18. Therefore,  
20 Applicants' arguments are not persuasive.

21  
22 Although the Examiner's cited column 7, lines 4-35 and column 6, lines 4-18, upon reviewing  
23 these passages, Appellants are still unclear as to exactly where Komine identically discloses that  
24 the new resource management object is configured for insertion into a maximal hierarchy based  
25 upon a determined proper placement. The Examiner's "analysis" provides little assistance in  
26 identify the specific features within Komine being relied upon by the Examiner.

27

28 Claim 2

29 On page 5 of the Response, Appellants presented the following arguments. Dependent

1 claim 2 recites that the step of "configuring," which was previously recited in claim 1, includes  
2 steps of "editing a deployment descriptor" and "modifying said registry." To teach these  
3 limitations the Examiner cited Fig. 4, column 5, lines 23-28, and column 6, lines 5-7. As noted  
4 above, the Examiner cited column 7, lines 32-35 to identically disclose the claimed step of  
5 "configuring," yet Appellants are unable to find any clear relationship between this passage and  
6 the passages the Examiner cited with regard to claim 2 despite all these passages allegedly  
7 referring to the same subject matter (i.e., the step of configuring and the sub-steps associated  
8 with the step of configuring). Appellants also note that column 5, lines 23-28 and column 6,  
9 lines 5-7 of Komine are silent as to the specific limitations recited in claim 2. Thus, Komine  
10 further fails to identically disclose the claimed invention, as recited in claim 2, within the  
11 meaning of 35 U.S.C. § 102.

12

13 In the first full paragraph page 4 of the Second Office Action, the Examiner responded to  
14 these arguments as follows:

15 At the bottom of page 5, filed 3/27/07, Applicants essentially argue that the cited portion  
16 of the reference does not correlate with the cited portion from the rejection of claim 1. This  
17 argument is addressed above in the response to previous arguments at the bottom of page 4, filed  
18 3/27/07. As such, Applicants' arguments are not persuasive.  
19

20 The Examiner's "response" is non-responsive. The "analysis" referred to by the Examiner in this  
21 paragraph merely cited column 7, lines 4-35 and column 6, lines 4-18 with no more analysis than  
22 asserting that these passages identically disclose the limitations at issue in claim 1. A specific  
23 mention of the specific limitations recited in claims 2 and the arguments previously presented by  
24 Appellants with regard to claim 2 is completely absent from the Examiner's prior comments (i.e.,  
25 the paragraph spanning pages 3 and 4 of the Second Office Action).

26

1           Claims 11 and 15

2           On page 5 of the Response, Appellants presented the following arguments. Claims 11  
3 and 15, in part, each recite the following:

4                 selecting a position within said maximal expansion of said hierarchical  
5 subset through said real-time representation;

6                 adding said new resource management object to said maximal expansion  
7 of said hierarchical subset at said selected position.

8  
9           On page 4 of the First Office Action, with regard to these limitations, the Examiner respectively  
10 stated "results of such tests" and "update the tree structure data." For support, the Examiner  
11 respectively cited column 7, lines 24-26 and column 7, lines 26-28, which are reproduced below:

12                 The results of such tests are returned to the object manager 130 as the response to its queries (Step  
13 S35). After confirming the test results, the object manager 130 requests the tree manager 120 to  
14 update the tree structure data (Step S36).

15  
16           Nowhere does this cited passage teach that a position within the maximal hierarchy is selected or  
17 that the new resource management object is added to the hierarchy based upon the selected  
18 position. Komine is silent as to how the position within the maximal hierarchy is selected or that  
19 the position is even selected. Therefore, Komine fails to identically disclose the claimed  
20 invention, as recited in claims 11 and 15, within the meaning of 35 U.S.C. § 102.

21  
22           In the first full paragraph page 4 of the Second Office Action, the Examiner responded to  
23 these arguments as follows:

24                 At the bottom of page 6, filed 3/27/07, Applicants essentially argue that the cited portion  
25 of the reference does not teach configuration based upon the selected position. This arguments is  
26 essentially addressed in the above response to arguments presented at the top of page 4, filed  
27 3/27/07.

28  
29           Similar to the Examiner's response regarding claim 2, the Examiner's "response" as to claims 11  
30 and 15 is non-responsive. The Examiner improperly distills the limitations into " configuration

1 based upon the selected position," and relies upon a response (i.e., the second full paragraph on  
2 page 3 of the Second Office Action) that neither addresses the specific limitations recited in  
3 claims 11 and 15 nor the specific arguments previously presented by Appellants with regard to  
4 these claims.

5

6 **THE REJECTION OF CLAIMS 4 AND 7-8 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS**

7 **BASED UPON KOMINE IN VIEW OF SCHAGEN**

8 For convenience of the Honorable Board in addressing the rejections, claims 7 and 8  
9 stand or fall together with independent claim 4.

10

11 **Claim 4**

12 On pages 7 and 8 of the Response, Appellants presented the following arguments.  
13 Independent claim 4, in part, recites:

14 a registry configured to store a real-time maximal hierarchical  
15 representation of a hierarchy of resource management objects registered for  
16 accessibility through said instance of said integrated solutions console.

17

18 On page 6 of the First Office Action, with regard to this particular limitation, the Examiner stated  
19 the following:

20 See column 4, line 67 - column 5 line 2, e.g. "access the **database** 40 to obtain the **tree structure**  
21 **data** [emphasis added]." Also see column 5 lines 19-22, e.g. "permits the client applications 11  
22 and 12 to send operation request messages, without managing for themselves the containment tree  
23 structures." (emphasis in original)

24

25 For ease of reference, the Examiner's cited passages are reproduced below:

26 The tree manager 120 makes access to the database 40 to obtain tree structure data that defines the  
27 above-noted containment relationships among the RMs 51 to 56. (column 4, line 66 through  
28 column 5, line 2)

1       The above object management mechanism permits the client applications 11 and 12 to send  
2 operation request messages, without managing for themselves the containment tree structure of  
3 RMs. (column 5, lines 19-22)  
4

5       The Examiner does not appear to have recognized that the claims recite that the hierarchy  
6 is of resource management objects registered for accessibility though an instance of an integrated  
7 solutions console. Thus, the hierarchy is associated with a single instance. However, the  
8 teachings of Komine are directed to the hierarchy of RMs 51 to 56 for multiple client  
9 applications 11, 12. Thus, Komine fails to teach or suggest the limitation for which the  
10 Examiner is relying on in the rejection of claim 4.

11

12       In the paragraph spanning pages 4 and 5 of the Second Office Action, the Examiner  
13 responded to these arguments as follows:

14       At the bottom of page 7, Applicants essentially argue that the prior art of record teaches a  
15 hierarchy associated with multiple instances, not a single instance as claimed in claim 4. However,  
16 the plain language of the claim simply recites "an instance." The language does not restrict the  
17 system to a single instance, but merely requires that at least one instance exists. Further, the cited  
18 client applications interact through "an instance" of the object management system depicted as  
19 element 100 in Fig. 1, and element 200 in Fig. 21. Therefore, Applicants' arguments are not  
20 persuasive.  
21

22       The Examiner's analysis is flawed, as claimed, the registry stores "a real-time maximal  
23 hierarchical representation of a hierarchy of resource management objects registered for  
24 accessibility through said instance of said integrated solutions console." Thus, "said instance of  
25 said integrated solutions console" defines the hierarchy of resource management objects such that the  
26 resource management objects within the hierarchy are registered for accessibility through the  
27 instance of the integrated solutions console. Thus, the real-time maximal hierarchical  
28 representation is tied to a specific instance of the integrated solutions console.  
29

1       The Examiner's analysis, however, completely glosses over the significance of the  
2       claimed "instance of an integrated solutions console." An instance of a program is a separate and  
3       distinct process running that program such that more than one instances of a single program can  
4       be created, each of which is separate from the other. Thus, an instance of a program would not  
5       be considered to be identical to the program itself. As claimed, the real-time maximal  
6       hierarchical representation is tied to a specific instance of the integrated solutions console, yet  
7       the Examiner's analysis does not address this claim limitation. Thus, even *assuming arguendo*  
8       that Komine does teach "the cited client applications interact through 'an instance' of the object  
9       management system depicted as element," as alleged by the Examiner, such a teaching still does  
10      not establish that Komine identically discloses that a real-time maximal hierarchical  
11      representation is tied to a specific instance of the integrated solutions console.

12

13       Appellants also incorporate herein, as also applying to claim 4, the arguments previously  
14      presented with regard to claim 1.

15

16       **THE REJECTION OF CLAIM 5 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON**  
17       **KOMINE IN VIEW OF SCHAGEN AND ADAMS**

18       For convenience of the Honorable Board in addressing the rejections, claim 5 stands or  
19      falls together with independent claim 4.

20

21       Claim 5 depends from independent claim 4, and Appellants incorporate herein the  
22      arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. §  
23      103 for obviousness based upon Komine in view of Schagen. The tertiary reference to Adams does

1 not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary  
2 skill in the art were impelled to combine the applied prior art, the claimed invention would not  
3 result. Appellants, therefore, respectfully submit that the imposed rejection of claim 5 under 35  
4 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Adams is not viable.

5

6 **THE REJECTION OF CLAIM 6 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON**  
7 **KOMINE IN VIEW OF SCHAGEN AND TAGHADOUSS**

8 For convenience of the Honorable Board in addressing the rejections, claim 6 stands or  
9 falls together with independent claim 4.

10

11 Claim 6 depends from independent claim 4, and Appellants incorporate herein the  
12 arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. §  
13 103 for obviousness based upon Komine in view of Schagen. The tertiary reference to Taghadoss  
14 does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having  
15 ordinary skill in the art were impelled to combine the applied prior art, the claimed invention would  
16 not result. Appellants, therefore, respectfully submit that the imposed rejection of claim 6 under  
17 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Taghadoss is not  
18 viable.

19

20 **THE REJECTION OF CLAIM 9 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON**  
21 **KOMINE IN VIEW OF SCHAGEN AND CLARK**

22 For convenience of the Honorable Board in addressing the rejections, claim 9 stands or  
23 falls together with independent claim 4.

1  
2       Claim 9 depends from independent claim 4, and Appellants incorporate herein the  
3 arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. §  
4 103 for obviousness based upon Komine in view of Schagen. The tertiary reference to Clark does  
5 not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary  
6 skill in the art were impelled to combine the applied prior art, the claimed invention would not  
7 result. Appellants, therefore, respectfully submit that the imposed rejection of claim 9 under 35  
8 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Clark is not viable.  
9

10           **THE REJECTION OF CLAIMS 10, 12, AND 16 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS**  
11           **BASED UPON KOMINE IN VIEW OF SCHAGEN AND GUDMUNDSON**

12       For convenience of the Honorable Board in addressing the rejections, claims 12 and 16  
13 stand or fall together with independent claim 11, and claim 10 stands or falls together with  
14 independent claim 4.

15  
16       Claims 10, 12, and 16 respectively depend from independent claims 4, 11, and 15 and  
17 Appellants incorporate herein the arguments previously advanced in traversing the imposed  
18 rejection of claims 4, 11, and 15 based upon Komine in view of Schagen and based upon Komine  
19 alone. The tertiary reference to Gudmundson does not cure the argued deficiencies of the prior  
20 rejections. Accordingly, even if one having ordinary skill in the art were impelled to combine the  
21 applied prior art, the claimed invention would not result. Appellants, therefore, respectfully submit  
22 that the imposed rejection of claims 10, 12, and 16 under 35 U.S.C. § 103 for obviousness based  
23 upon Komine in view of Schagen and Gudmundson is not viable.

1

2       **THE REJECTION OF CLAIMS 13 AND 17 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS**

3       **BASED UPON KOMINE IN VIEW OF NAHABOO**

4           For convenience of the Honorable Board in addressing the rejections, claims 13 and 17  
5 stand or fall together with independent claim 11.

6

7           Claims 13 and 17 respectively depend from independent claims 11 and 15 and Appellants  
8 incorporate herein the arguments previously advanced in traversing the imposed rejection of claims  
9 11 and 15 under 35 U.S.C. § 102 for anticipation based upon Komine. The secondary reference to  
10 Nahaboo does not cure the argued deficiencies of the prior rejection. Accordingly, even if one  
11 having ordinary skill in the art were impelled to combine the applied prior art, the claimed invention  
12 would not result. Appellants, therefore, respectfully submit that the imposed rejection of claims  
13 13 and 17 under 35 U.S.C. § 103 for obviousness based upon Komine in view of Nahaboo is not  
14 viable.

15

16       Conclusion

17           Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections  
18 under 35 U.S.C. §§ 102, 103 based upon the applied prior art is not viable. Appellants, therefore,  
19 respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§  
20 102, 103.

21

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: November 13, 2007

Respectfully submitted,

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## **VIII. CLAIMS APPENDIX**

1. A method for collaboratively configuring resource objects for deployment in instances of an integrated solutions console, the method comprising the steps of:

programming a new resource management object to manage a corresponding resource in an enterprise domain;

consulting a registry of existing resource management objects to determine a proper placement for said new resource management object in a maximal hierarchy of said existing resource management objects; and,

configuring said new resource management object for insertion into said maximal hierarchy based upon said determined proper placement.

2. The method of claim 1, wherein said configuring step comprises the steps of:

editing a deployment descriptor for said new resource management object to indicate a proper placement of said new resource management object in a navigation hierarchy of an instance of an integrated solutions console; and,

modifying said registry to indicate said proper placement.

3. The method of claim 2, wherein said modifying step further comprises the step of modifying said registry to assign a unique identifier to said new resource management object.

4. A system for integrating and arranging resource management objects in an integrated solutions console comprising:

an instance of an integrated solutions console;  
a registry configured to store a real-time maximal hierarchical representation of a hierarchy of resource management objects registered for accessibility through said instance of said integrated solutions console; and,

an interface to said registry programmed to render said hierarchical representation and to register a new resource management object for accessibility through said instance of said integrated solutions console from a position in a subset of said hierarchy selected through said interface.

5. The system of claim 4, wherein said interface is disposed within an integrated development environment.

6. The system of claim 4, wherein selected ones of said resource management objects comprise performance monitors.

7. The system of claim 4, wherein said maximal hierarchy comprises a plurality of containers arranged in a tree structure of parent nodes and children nodes in which said resource management objects can be disposed according to interrelationships between said resource management objects.

8. The system of claim 4, wherein each of said resource management objects comprises a unique identifier.

9. The system of claim 4, wherein said instance of said integrated solutions console comprises a portal interface.

10. The system of claim 4, wherein said registry comprises a plurality of entries, each entry specifying a reference to a parent node and one of a container and a resource management object.

11. A method for managing access to resource management objects disposed in a hierarchical subset of resource management objects through an instance of an integrated solutions console, the method comprising the steps of:

identifying a new resource management object to be added to said hierarchical subset;

retrieving a real-time representation of a maximal expansion of said hierarchical subset from a registry;

selecting a position within said maximal expansion of said hierarchical subset through said real-time representation;

adding said new resource management object to said maximal expansion of said hierarchical subset at said selected position; and,

modifying said real-time representation in said registry to reflect said new resource management object.

12. The method of claim 11, wherein said selecting step comprises the step of selecting a container within said maximal expansion of said hierarchical subset which relates to a function of said new resource management object.

13. The method of claim 11, wherein said selecting step comprises the step of selecting a container within said maximal expansion of said hierarchical subset which relates to a resource type operated upon by said new resource management object.

14. The method of claim 11, further comprising the steps of:  
assigning a unique identifier to said new resource management object; and,  
storing said unique identifier in said registry in association with said new resource management object.

15. A machine readable storage having stored thereon a computer program for managing access to resource management objects disposed in a hierarchy through an integrated solutions console, the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of:

identifying a new resource management object to be added to said hierarchical subset;  
retrieving a real-time representation of a maximal expansion of said hierarchical subset from a registry;  
selecting a position within said maximal expansion of said hierarchical subset through said real-time representation;  
adding said new resource management object to said maximal expansion of said hierarchical subset at said selected position; and,  
modifying said real-time representation in said registry to reflect said new resource management object.

16. The machine readable storage of claim 15, wherein said selecting step comprises the step of selecting a container within said maximal expansion of said hierarchical subset which relates to a function of said new resource management object.

17. The machine readable storage of claim 15, wherein said selecting step comprises the step of selecting a container within said maximal expansion of said hierarchical subset which relates to a resource type operated upon by said new resource management object.

18. The machine readable storage of claim 15, further comprising the steps of:  
assigning a unique identifier to said new resource management object; and,  
storing said unique identifier in said registry in association with said new resource management object.

**IX. EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

**X. RELATED PROCEEDINGS APPENDIX**

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.